



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, JANUARY 27, 2011**

Invocation: Bishop J. W. Horne, Restoration Temple

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 27, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:12 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate action occurred on any of the items.

1. Approve the minutes of the Austin City Council regular meeting of January 13, 2011.
The minutes from the regular Council meeting of January 13, 2011 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
2. Approve an ordinance authorizing acceptance of \$52,500 in grant funds from the U.S. Department of Energy through Leonardo Technologies Inc., Morgantown, WV, and amending the Fiscal Year 2010-2011 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to appropriate \$52,500 for programmatic support of the Central Texas Clean Cities Program. Funding is available from the U.S. Department of Energy through Leonardo Technologies Inc. The grant period is November 1, 2010 to October 31, 2011. The General Fund will not be required to contribute to this grant. Recommended by the Resource Management Commission. Recommended by the Electric Utility Commission.
Ordinance No. 20110127-002 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
3. Approve an ordinance amending the Fiscal Year 2010-2011 Austin Energy Capital Budget of Ordinance No. 20100913-003 to increase appropriations by \$17,000,000 for the Holly Street Power Plant decommissioning costs and amending the Fiscal Year 2010-2011 Austin Energy Operating Budget of Ordinance No. 20100913-002 to increase the Non-Fuel Operations and Maintenance by \$12,000,000 for the Holly Street Power Plant decommissioning account and decrease the Austin Energy Operating Fund ending balance by \$12,000,000. Funding is available from the ending balance of the Austin Energy Operating Fund. Funding in the amount of \$5,000,000 is available from deductive credits incorporated into the contract from the winning bidder. The Electric Utility Commission recommended approval of this item with concerns about the large price differentiation between the first and second proposals of

approximately \$6.1 million, about 25 percent of the project cost, in relation to the small score difference on the evaluation matrix on the related item on this agenda proposed by the Contract and Land Management Department requesting authorization to negotiate and execute a contract to provide services for decommissioning the Holly Street Power Plant. Related to Item #8. ITEM TO BE WITHDRAWN BY STAFF.

This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

4. Approve an ordinance amending City Code Chapter 15-9 as it relates to utility disconnection moratoriums during extreme weather conditions. There is no unanticipated financial impact. Recommended by the Electric Utility Commission.

Ordinance No. 20110127-004 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

5. Authorize the negotiation and execution of electric service franchise agreements for the use of rights-of-way with each municipality within the Austin Energy service territory for a payment amount not to exceed three percent of gross electric revenues from customers within the municipality, for terms not to exceed ten years. Funding in the amount of \$1,040,000 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Recommended by the Electric Utility Commission.

The motion authorizing the negotiation and execution of electric service franchise agreements was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

6. Approve an ordinance amending the Fiscal Year 2010-2011 Public Works Department Capital Budget to increase appropriations by: \$27,260,000 for pedestrian-related improvements, Americans with Disabilities Act improvements, bikeway projects, and the Boardwalk Trail over Lady Bird Lake, and \$9,750,000 for street reconstruction for a total increase of \$37,010,000; and amending the Fiscal Year 2010-2011 Transportation Department Capital Budget to increase appropriations by: \$16,975,000 for mobility improvements and \$2,305,000 for traffic signal projects, for a total increase of \$19,280,000. These increases are to initiate projects authorized by the November 2010 Bond Election. Funding in the amount of \$56,290,000 will be provided by the future issuance of Public Improvement Bonds, approved by the voters on November 2, 2010. Related to Item # 7.

Ordinance No. 20110127-006 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

7. Approve a resolution declaring the City of Austin's official intent to reimburse itself from November 2010 Proposition 1 General Obligation Bonds to be issued for expenditures in the amount of \$56,290,000 related to transportation. \$56,290,000 in General Obligation Public Improvement Bonds to be issued in August 2011 or later. Related to Item #6.

Resolution No. 20110127-007 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

8. Authorize negotiation and execution of a contract with TRC ENVIRONMENTAL CORPORATION, Austin, TX, or one of the other qualified offerors to RFP Solicitation No. CLMB301, for the Holly Street Power Plant Decommissioning Project for \$24,905,361, plus \$1,245,268 contingency for a total not-to-exceed amount of \$26,150,629. Funding is available in the 2010-2011 Capital Budget of Austin Energy. Best Value to the City of 6 proposals received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 22.56% MBE and 3.06% WBE subcontractor participation. Recommended by the Electric Utility Commission. Related to Item #3. ITEM TO BE WITHDRAWN BY STAFF.

This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

9. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC. (MBE/MH-78.54%), Austin, TX for ADA Sidewalk & Ramp Improvements 2010 Group 10 City Wide in the amount of \$3,877,820 plus a \$387,782 contingency, for a total contract amount not to exceed \$4,265,602. Funding is available in the Fiscal Year 2010 - 2011 Capital Budget of the Public Works Department. Lowest bid of 1 bid received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 78.54% MBE prime and 3.02% MBE and 3.18% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
10. Authorize execution of a construction contract with RGM CONSTRUCTORS, LP, Pflugerville, TX for the Group 30 Street Reconstruction: Oltorf Street East Congress Avenue to IH-35, an ACCELERATE AUSTIN PROJECT, in the amount of \$3,558,090.60 plus a \$177,904.53 contingency, for a total contract amount not to exceed \$3,735,995.13. Funding in the amount of \$2,988,796.11 is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. Funding in the amount of \$747,199.02 is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. Lowest bid of 7 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) by meeting the goals with 16.79% MBE and 22.01% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with RGM Constructors, LP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
11. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY INC., Austin, TX for the Loop 360 Water Improvements - Miscellaneous Distribution Improvements Project in the amount of \$1,347,681.80 plus a \$67,384 contingency, for a total contract amount not to exceed \$1,415,065.80. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. Lowest bid of 7 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.61% MBE and 2.71% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Smith Contracting Company Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
12. Authorize execution of Change Order #2 to the construction contract with AUSTIN ENGINEERING CO., INC., Austin, TX for the South IH-35 Segment 7, in the amount of \$41,430 for a total contract amount not to exceed \$1,504,099. Funding in the amount of \$41,430 is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 7.72% MBE and 4.40% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of change order number two to the construction contract with Austin Engineering Co., Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
13. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Govalle 1 - South 2nd Street Reroute - Phase I Wastewater Improvement Project to acquire a 3,747 square foot wastewater easement, a 3,747 square foot access easement, and temporary workspace

easements of 4,547 square feet and 680 square feet out of land located at Lot 9, Abe Williams Subdivision of Jennie A. Williams Tract; a 518 square foot temporary workspace easement out of Lot 1 Block 3, Oak Cliff Addition; and temporary workspace easements of 9,173 square feet and 829 square feet out of Lot 2 and North 30 feet of Lot 3, less southeast 10x50 feet of Block 3, Oak Cliff Addition, in the amount of \$62,092. The owner of the needed property interests is MARGARET A. QUADLANDER aka MARGARET C. QUADLANDER. The properties are located at or near 900 South 2nd Street, 1000 South 2nd Street and 1002 South 2nd Street, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility Department.

Resolution No. 20110127-013 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

14. Authorize the negotiation and execution of the documents and instruments necessary to acquire a 0.768-acre wastewater easement and a 4.255-acre temporary construction easement in connection with the Wildhorse Northwest Interceptor Phase 2 project situated in the William H. Sanders Survey No. 54, Abstract No. 690, Travis County, Texas, located on E. Highway US 290, from ROBERT SHAPIRO, JAY SHAPIRO, IRA SHAPIRO AND MIKE SHAPIRO, AS TRUSTEES OF THE MORRIS AND ELAINE SHAPIRO 1987 FAMILY TRUST, in an amount not to exceed \$76,095. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility Department.
The motion authorizing the negotiation and execution of the documents and instruments necessary to acquire an easement from Robert Shapiro, Jay Shapiro, Ira Shapiro and Mike Shapiro as trustees of the Morris and Elaine Shapiro 1987 family trust was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
15. Authorize the negotiation and execution of the documents and instruments necessary to acquire a 0.716-acre wastewater easement and a 2.951-acre temporary construction easement in connection with the Wildhorse Northwest Interceptor Phase 2 Project situated in the William H. Sanders Survey No. 54, Abstract No. 690, Travis County, Texas, located on E. Highway US 290, from ROBERT SHAPIRO, JAY SHAPIRO, IRA SHAPIRO AND MIKE SHAPIRO, AS TRUSTEES OF THE MORRIS AND ELAINE SHAPIRO 1987 FAMILY TRUST, in an amount not to exceed \$57,135. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility Department.
The motion authorizing the negotiation and execution of the documents and instruments necessary to acquire easement from Robert Shapiro, Jay Shapiro, Ira Shapiro and Mike Shapiro as trustees of the Morris and Elaine Shapiro 1987 family trust was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
16. Authorize the negotiation and execution of a professional services agreement with AECOM TECHNICAL SERVICES, INC., Austin, TX (staff recommendation) or one of the other qualified responders to RFQ Solicitation No. CLMP043, to provide professional engineering services for the Davis and Ullrich Water Treatment Plants Raw Water Hydraulic and Energy Efficiency Improvements with an amount not to exceed \$450,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility. Staff recommendation is the most qualified firm out of 5 firms evaluated through the City's qualification-based selection process. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE 15.80% WBE subconsultant participation. Recommended by the Water & Wastewater Commission.
The motion authorizing the negotiation and execution of a professional services agreement with AECOM Technical Services Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
17. Authorize negotiation and execution of a professional services agreement with the following 5 staff recommended firms or other qualified responders to RFQ Solicitation No. CLMP068: MWM DESIGN GROUP, INC. (WBE/FH), Austin, TX; KLOTZ ASSOCIATES, INC., Austin, TX; KURKJIAN

ENGINEERING CORPORATION (WBE/FH), Austin, TX; TRC ENGINEERS, INC., Austin, TX; and HALFF ASSOCIATES, INC., Austin, TX for engineering services for the 2011 Field Engineering Rotation List, a 2010 Bond Program Project, for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$2,500,000 divided among the 5 firms. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. Staff recommendation is the 5 most qualified firms out of 20 firms evaluated through the City's qualification-based selection process. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement with MWM Design Group, Inc.; Klotz Associates, Inc.; Kurkjian Engineering Corporation; TRC Engineers, Inc. and Halff Associates, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

18. Authorize negotiation and execution of a professional services agreement with the following 6 staff recommended firms or one of the other qualified responders to RFQ Solicitation No. CLMP065: FRANK LAM & ASSOCIATES, INC. (MBE/MA), Austin, TX; DATUM ENGINEERS, INC., Austin, TX; UNINTECH CONSULTING ENGINEERS, INC. (MBE/FA), Austin, TX; ENCOTECH ENGINEERING CONSULTANTS, INC. (MBE/MA), Austin, TX; P.E. STRUCTURAL CONSULTANTS, INC., Austin, TX; and STEINMAN LUEVANO STRUCTURES, LLP (MBE/MH), Austin, TX for engineering services for the 2011 Structural Engineering Services Rotation List for an estimated period of 3 years or until financial authorization is expended, with the total amount not to exceed \$900,000 divided among the 6 firms. Funding is available in the Fiscal Year 2010-2011 Capital budgets and/or Operating and Maintenance budgets of the various departments for which services are required. Staff recommendation is the 6 most qualified firms out of 12 firms evaluated through the City's qualification-based selection process. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement with Frank Lam & Associates, Inc.; Datum Engineers, Inc; Unintech Consulting Engineers, Inc.; Encotech Engineering Consultants, Inc.; P.E. Structural Consultants, Inc. and Steinman Luevano Structures, LLP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 19 and 20 were pulled for discussion.

21. Authorize the negotiation and execution of Amendment Number 2 to the Agreement for HOPWA HIV/AIDS Services between the City of Austin and AIDS SERVICES OF AUSTIN, INC. to increase federal grant funding for housing services by \$72,595, for a total contract amount of \$783,187 for the period October 1, 2010 through September 30, 2011, with one remaining 12-month extension option in an amount not to exceed \$783,187. Funding in the amount of \$72,595 is available in the Fiscal Year 2010-2011 Approved Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, HOPWA-HUD grant. The grant period is October 1, 2010 to September 30, 2011. Funding for the renewal option is contingent upon available funding. On July 22, 2010 The Community Development Commission approved the Annual Consolidation Plan.

The motion authorizing the negotiation and execution of amendment number two to the agreement for HOPWA HIV/AIDS Services between the City of Austin and AIDS Services of Austin, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

22. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for the City to reimburse Travis County for Austin/Travis County Family Violence

Protection Team related expenditures in an amount not to exceed \$699,507. Funding is available from the U.S. Department of Justice, office on Violence Against Women, Community-Defined Solutions to Violence Against Women Program for the project period of October 1, 2010 to September 30, 2012.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

23. Authorize award, negotiation and execution of a 60-month requirements service contract with ATLAS COPCO COMPRESSORS LLC, Houston TX, for a preventive maintenance plan and repair services for Atlas Copco air compressors at Sand Hill Energy Center in an estimated contract amount not to exceed \$250,000. Atlas Copco Compressors, LLC is the sole source provider for these services. Funding in the amount of \$33,333.33 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining 52 months of original contract period is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a requirements service contract with Atlas Copco Compressors LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

24. Authorize award, negotiation, and execution of a contract with LIGHTHOUSE SOLAR, Austin, TX, for the design and installation of solar photovoltaic systems in an estimated amount not to exceed \$459,190. Funding in the amount of \$298,665 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy; \$160,525 is available from the U.S. Department of Energy (DOE), as a result of the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of December 28, 2009 to December 27, 2012. Single responsive proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 22.9% MBE and 1.8% WBE Subcontractor Participation. Recommended by the Resource Management Commission. Reviewed by the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of a contract with Lighthouse Solar was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

25. Authorize award and execution of a 36-month requirements supply agreement with HACH COMPANY, Loveland, CO., for the purchase of specialized water quality testing equipment, supplies and chemicals for the Austin Water Utility in an amount estimated not to exceed \$240,000 with three 12-month extension options in an estimated amount not to exceed \$80,000 per extension option, for a total estimated contract amount not to exceed \$480,000. Funding in the amount of \$60,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Water Utility. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Low bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water & Wastewater Commission.

The motion authorizing the award and execution of a requirements supply agreement with HACH Company was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 26 was pulled for discussion.

27. Authorize award, negotiation, and execution of Amendment No. 1 to a contract with ZOLL DATA SYSTEMS, Broomfield, CO, for the purchase of additional software licenses and accompanying maintenance for the RescueNet TabletPCR system, to increase the contract in an amount not to exceed \$51,750 and to increase the five 12-month extension options in an amount not to exceed \$9,450 for the first extension option, \$9,923 for the second extension option, \$10,419 for the third extension option, \$10,940 for the fourth extension option, and \$11,487 for the fifth extension option, for a revised total contract amount not to exceed \$595,747.88. Funding in the amount of \$51,750 is available in the Fiscal Year 2010-2011 Operating Budget of the Emergency Medical Services Department. Funding for the extension options is contingent upon available funding in future budgets. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award, negotiation and execution of amendment number one to a contract with Zoll Data Systems was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

28. Authorize award and execution of a contract through U.S. Communities Government Purchasing Alliance with HAWORTH INC., Holland, MI and their local authorized distributor Furniture Marketing Group, Inc., Austin, TX for the purchase and installation of free standing conventional furniture and systems furniture at the Contract and Land Management Department offices located at 105 W. Riverside in an amount not to exceed \$77,578.52. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Public Works Department. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award and execution of a contract through U.S. Communities Government Purchasing Alliance with Haworth Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

29. Authorize negotiation and execution of a professional services contract for evaluation and retiming of the traffic signal operations in downtown Austin with the only qualified responders, GERRY DE CAMP, P.E., PTOE, Houston, TX, and ERIC J. NELSON, P.E., Houston, TX, in an amount not to exceed \$50,000 each, for a total amount not to exceed \$100,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Transportation Department. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

The motion authorizing the negotiation and execution of a professional services contract with Gerry De Camp, P.E., PTOE was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 30 was pulled for discussion.

31. Approve a resolution authorizing the negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) to provide funding for the design and construction of interim improvements to the Oak Hill "Y", as it relates to the 2010 Transportation Bond. This project will be completed in partnership with Travis County and TxDOT participation. Funding of \$4,000,000 is available from the 2010 Transportation Bond.

Resolution No. 20110127-031 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

32. Authorize the issuance of a closure permit under City Code Chapter 14-8 for the FADO'S Irish Pub Festival, a fee paid event in the 200 block of West 4th Street between Colorado Street and Lavaca Street, which is to be held on March 17, 2011.

The motion authorizing the issuance of a closure permit for the FADO's Irish Pub Festival was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

33. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments and waivers were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Board/Nominee

Nominated by

Austin Community Technology and Telecommunication Commission
Elizabeth Quintanilla

Council Member Riley

Intergovernmental Bodies

Board/Nominee

Nominated by

Austin Travis County Integral Care Board of Trustees (MHMR)
Robert Chapa, Jr.

Mayor Leffingwell

Central Health Board of Managers (Travis County Healthcare District)
Katrina Daniel

Council

34. Approve a resolution renaming the 2006 Bond Oversight Committee, adjusting the dates of Committee members' terms of office, and expanding the Committee's oversight responsibilities. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Randi Shade)

Resolution No. 20110127-034 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

35. Approve a resolution directing the City Manager to develop short and long term recommendations on how to address pedestrian safety, congestion and parking issues in the Rainey Street District and present his recommendations to Council within 60 days. (Mayor Pro Tem Mike Martinez Council Member Randi Shade Council Member Chris Riley)

Resolution No. 20110127-035 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 36 was pulled for discussion.

37. Approve the waiver of certain fees and requirements for the Texas General Land Office's softball team Multiple Sclerosis Society Fundraiser which is to be held on Saturday, March 19, 2011 at Krieg Fields. (Mayor Lee Leffingwell Council Member Chris Riley Council Member Laura Morrison)

The motion to approve the waiver of certain fees and requirements for the Texas General Land Office's softball team Multiple Sclerosis Society Fundraiser was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

38. Approve the waiver of certain fees and requirements for the Texas Democracy Foundation event, which is to be held on Wednesday, February 2, 2011 at the Emma S. Barrientos Mexican American Cultural

Center (MACC). (Council Member Randi Shade Mayor Pro Tem Mike Martinez Council Member Laura Morrison)

The motion to approve the waiver of certain fees and requirements for the Texas Democracy Foundation event was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

39. Set a public hearing to consider an ordinance amending Ordinance No. 20100211-036 extending the expiration date to February 15, 2012, for floodplain variances granted for existing buildings and structures owned by Stubb's Austin Restaurant Co., L.C. located at 801 Red River Street. (Suggested date and time: February 10, 2011, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.

The public hearing was set on consent for February 10, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 40 through 42 were briefing items set for 10:30 a.m.

Items 43 and 44 were Executive Session items.

Item 45 was action on an Executive Session item.

Items 46 through 53 were zoning items set for 2:00 p.m.

Items 54 and 55 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

19. Approve a resolution authorizing an application to the U.S. Department of Housing and Urban Development (HUD) for funding in an amount up to \$8,000,000 in Section 108 Loan Assistance Program Funds and up to \$2,000,000 in Brownfields Economic Development Initiative (BEDI) Grant funds to carry out eligible economic development activities pursuant to 24 CFR 570.703 (h)(2) and 570.204. \$2,000,000 Brownfields Economic Development Initiative Grants and \$8,000,000 in loan funds guaranteed by the U.S. Department of Housing and Urban Development through its Section 108 Loan Guarantee Assistance Program. If the grant applications are approved, the Fiscal Year 2010 - 2011 Operating Budget of the Economic Growth and Redevelopment Services Office will be subsequently amended. Recommended by the Community Development Commission.
Resolution No. 20110127-019 was approved on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.
20. Approve an ordinance establishing classifications and positions in the classified service of the Fire Department; creating and eliminating positions; establishing pay rates; and repealing Ordinance No. 20100913-006 relating to Fire Department classifications and positions. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Austin Fire Department.
Ordinance No. 20110127-020 was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-0 vote. Council Member Cole was off the dais.
26. Authorize award, negotiation, and execution of a 12-month requirements contract with i2, INC., McLean, VA, for the purchase of gang tracking software, software maintenance, and training in an amount not to exceed \$314,624.30, with four 12-month extension options in an amount not to exceed \$40,353.17 per extension option, for a total contract amount not to exceed \$476,036.98. i2, Inc., is the single source provided for these services. Funding in the amount of \$186,581.94 is available in the Homeland Security and Emergency Management Special Revenue Fund, Urban Area Security Initiative (UASI) Grant.

Funding in the amount of \$128,042.36 is available in the Fiscal Year 2008 Department of Justice Congressionally Mandated Award Fund, Central Texas Regional Gang Database Project. Funding for the extension options is contingent upon available funding in future budgets. This contract is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award, negotiation and execution of a requirements contract with i2, Inc. was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

30. Approve a resolution authorizing the negotiation and execution of an Advance Funding Agreement between the City and the Texas Department of Transportation (TxDOT) for intersection improvements to the IH 35 Northbound Frontage Road from 53rd Street to Barbara Jordan Boulevard as it relates to the 2010 Transportation Bond. Funding of \$1,325,000 is available in the Fiscal Year 2010-2011 Capital Budget of the Transportation Department.

Resolution No. 20110127-030 was approved on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote. Staff was directed to work with stakeholders, particularly pedestrians and bicyclists, on the design and to bring the final design back to Council for approval.

36. Approve a resolution directing the City Manager to work with the City Clerk to conduct a cost analysis of the City's boards and commissions system. (Council Member William Spelman Council Member Sheryl Cole and Council Member Randi Shade)

Resolution No. 20110127-036 was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

BRIEFINGS

41. Briefing on Sustainable Urban Agriculture
The presentation was made by Sara Hensley, Director of Parks and Recreation Department.

CITIZEN COMMUNICATION: GENERAL

Ronnie Reeferseed - Peace, freedom and fluoride

Cynthia Valdez - Single member districts and East Austin developments

Linda Greene - The case against fluoride book

Travis Snavelly - Body scanners and fluoride

Philip Greene - Federal government says lower fluoride levels

Anna Maciel - The community development in East Austin. **She was not present when her name was called.**

Kenneth Lewis - False arrest and compensation

Debbie Russell - Social equity

Richard Franklin - Social equity

Walter Olenick - Water fluoridation

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:35 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

43. Discuss legal issues relating to City Council appointments made under Article VI of the City Charter. (Private consultation with Attorney - Section 551.071.)
44. Evaluate the performance of and consider the compensation and benefits for the City Auditor (personnel matter - Section 551.074). Related to Item #45.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:00 p.m.

Action on Executive Session

45. Approve a resolution relating to the compensation and benefits for the City Auditor. Related to Item #44. **This item was withdrawn without objection.**

BRIEFINGS CONTINUED

42. Austin Energy Quarterly Report
The presentation was made by Larry Weis, General Manager for Austin Energy.
40. Austin Water 140 GPCD Conservation Plan
The presentation was made by Greg Meszaros, Director of Austin Water Utility.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

46. NPA-2010-0021.01 - Roy G. Guerrero Colorado River Park -Approve second/third readings of an ordinance amending Ordinance No. 20061116-055, the East Riverside/Oltorf Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 700 Grove Blvd. (Country Club Creek Watershed) from Mixed Use/Office to Recreation/Open Space land use. First reading approved on January 13, 2011. Vote: 7-0. Owner/Applicant: City of Austin, Parks and Recreation Department Agent: City of Austin, Parks & Recreation Department (Ricardo Soliz). City Staff: Maureen Meredith, 974-2695. **Ordinance No. 20110127-046 to change the land use designation on the future land use map (FLUM) to Recreation/Open Space land use was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.**
47. C14-2010-0131 - Roy G. Guerrero Colorado River Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 Grove Boulevard (Country Club East Watershed) from rural residence district-conditional overlay-neighborhood plan (RR-CO-NP) combining district zoning and general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. First reading approved on January 13, 2011. Vote: 7-0. Applicant: City of

Austin Parks and Recreation Department (Ricardo Soliz). Agent: City of Austin Parks and Recreation Department. (Gregory Montes). City Staff: Stephen Rye 974-7604.

Ordinance No. 20110127-047 for public-neighborhood plan (P-NP) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

48. C14-2010-0195 - Loop 360 Storage - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2631 South Capital of Texas Highway (Barton Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. First reading was approved on January 13, 2011. Vote: 7-0. Applicant: Riata Holdings, Ltd. (Matt Mathias). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye 974-7604.

Ordinance No. 20110127-048 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

49. C14H-2010-0039 - Bradford-Nohra House - Approve second/third readings of an ordinance amending Chapter 25-2 to rezone property locally known as 4213 Avenue G (Waller Creek Watershed) from townhouse-condominium residence-neighborhood conservation (SF-6-NCCD) combining district zoning to townhouse-condominium residence-historic landmark-neighborhood conservation (SF-6-H-NCCD) combining district zoning. First reading approved on January 13, 2011. Vote: 4-3 (Ayes: Council Members Cole, Morrison, Riley and Spelman; Nays: Mayor Leffingwell and Council Members Martinez and Shade). Applicant: Historic Landmark Commission. Owner: Sylvia Dudney, Trustee for Helen Nohra. City Staff: Steve Sadowsky, 974-6454.

There was a motion by Council Member Cole, seconded by Council Member Shade to deny the rezoning request.

There was a substitute motion to approve on second reading the ordinance for historic zoning for the footprint of the original building only and leave the remaining property zoned as it is currently that was made by Council Member Spelman and seconded by Council Member Morrison. This motion failed on a vote of 3-4. Those voting aye were: Council Members Morrison, Riley and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole and Shade.

The motion to deny the rezoning was approved on Council Member Cole's motion, Council Member Shade's second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Cole and Shade. Those voting nay were: Council Members Morrison, Riley and Spelman.

Mayor Leffingwell recessed the Council Meeting at 5:44 p.m.

LIVE MUSIC

Haley Harris

PROCLAMATIONS

Distinguished Service Awards -- Retirements -- Pat Murphy and Nancy McClintock -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Certificate of Congratulations -- Larry Speck -- to be presented by Council Member Sheryl Cole and to be accepted by the honoree

Proclamation -- Flipped on Christmas -- to be presented by Council Member Randi Shade and to be accepted by Jan Bozarth and Tim Grivas

Proclamation -- Go Red for Women Day -- to be presented by Council Member Laura Morrison and to be accepted by Joel Romo

Mayor Leffingwell called the Council Meeting back to order at 6:57 p.m.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

50. C14-2010-0034 - Stonegate Two - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2500 West William Cannon Drive (Williamson Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning to limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions. Owner/Applicant: KC 1 Stonegate L.P. (John P. "Sean" Cummings, Jr.). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed and Ordinance No. 20110127-050 for limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez and Council Member Cole were off the dais.

51. C14-2010-0174 - Platinum Onion Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11206 South IH-35 Service Road Southbound and 11301 Old San Antonio Road (Onion Creek Watershed) from general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to multi-family residence low density (MF-2) district zoning. Staff Recommendation: To grant multi-family residence low density (MF-2) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant multi-family residence low density (MF-2) district zoning with conditions. Owner/Applicant: Haviland Lake Partners, LP (Jeffrey N. Drinkard). Agent: Smith, Robertson, Elliott, Glen, Klein & Douglas, L.L.P. (David Hartman). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and the first reading of the ordinance for multi-family residence low density (MF-2) district zoning with conditions was approved on consent on Council Member Spelman's motion, Council Member Shade's second on a 5-0 vote. Mayor Pro Tem Martinez and Council Member Cole were off the dais.

ZONING DISCUSSION ITEMS CONTINUED

52. C14H-2010-0026 - Zeta Tau Alpha House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2711 Nueces Street (Shoal Creek Watershed) from multi-family-moderate high density-neighborhood plan (MF-4-NP)

combining district zoning to multi-family-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Staff Recommendation: To grant multi-family-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Applicant: Zeta Tau Alpha House Corporation, owner. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the first reading of the ordinance for multi-family-moderate high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning was approved on Council Member Spelman's motion, Council Member Morrison's second on a 5-0 vote. Mayor Pro Tem Martinez and Council Member Cole were off the dais.

53. C14H-2010-0031 - Cranfill-Beacham Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1911 Cliff Street (Shoal Creek Watershed) from multi-family residence-low density-conditional overlay- neighborhood plan (MF-2-CO-NP) combining district zoning to multi-family residence-low density-historic landmark-conditional overlay-neighborhood plan (MF-2 CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-low density-historic landmark-conditional overlay-neighborhood plan (MF-2 CO-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence-low density-historic landmark-conditional overlay-neighborhood plan (MF-2 CO-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-low density-historic landmark-conditional overlay-neighborhood plan (MF-2 CO-NP) combining district zoning. Applicant: Ernesto Cragnolino, president, Cliff Street Condominium Owners' Association. City Staff: Steve Sadowsky, 974-6454.

The motion to close the public hearing and approve the first reading of the ordinance for multi-family residence-low density-historic landmark-conditional overlay-neighborhood plan (MF-2 CO-NP) combining district zoning failed on Council Member Morrison's motion, Council Member Spelman's second on a 3-2-0 vote. Those voting aye were: Council Members Morrison, Riley and Spelman. Those voting nay were: Mayor Leffingwell and Council Member Shade. Mayor Pro Tem Martinez and Council Member Cole were off the dais. Council rules require an affirmative vote of four members to pass an item.

PUBLIC HEARINGS AND POSSIBLE ACTION

54. Conduct a public hearing and consider an ordinance regarding CenterPoint Energy Entex's proposal to increase customer gas rates, establishing reasonable rates and charges, and authorizing intervention in Gas Services Division Docket No. 10038 before the Railroad Commission of Texas.
The public hearing was closed and Ordinance No. 20110127-054 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 5-0 vote. Mayor Pro Tem Martinez and Council Member Cole were off the dais.
55. Conduct a public hearing and consider an appeal by Camille Perry on a decision to approve an Outdoor Music Venue Permit for Irie Bean Coffee Bar, located at 2310 S. Lamar Blvd., Unit 102.
This item was postponed to February 10, 2011 on Council Member Spelman's motion, Mayor Leffingwell's second on a 5-0 vote. Mayor Pro Tem Martinez and Council Member Cole were off the dais.

Mayor Leffingwell adjourned the meeting at 8:24 p.m. without objection.

The minutes for the Regular Meeting of January 27, 2011 were approved on this the 10th day of February 2011 on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Martinez' was absent.